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In re Application of: Gianfranco COLOMBO et al.

Application No.: ~~10/550,927~~ 10/533,927

Filed: December 2, 2005

SUBJECT For: TREAD PATTERN FOR WINTER TIRES

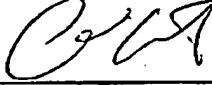
Confirmation No.: 8155

Attorney Docket No.: 07040.0223

MESSAGE

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Attached: Response To Election of Species Requirement (2 pages).

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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gianfranco COLOMBO et al.) Group Art Unit: 1791
Application No.: 10/533,927) Examiner: Steven D. Maki
Filed: December 2, 2005) Confirmation No.: 8155
For: TREAD PATTERN FOR WINTER)
TIRES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an Office Action dated December 24, 2008, the Examiner required election of one of the following three species (i.e., embodiments):

Species I, shown in Figs. 1 and 4;

Species II, shown in Fig. 5; and

Species III, shown in Fig. 6.

Applicants provisionally elect, with traverse, Species I shown in Figs. 1 and 4.

Claims 60-92 and 97-118 "read on" Figs. 1 and 4, and at least claims 60-92 are generic.

See Office Action at 2. Applicants traverse the election of species requirement because the Office Action fails to show how examination of claims 93-96 in addition to claims 60-92 and 97-118 would create a serious burden. See M.P.E.P. § 803 (requiring examination of all of claims even though some of the claims are directed to independent or distinct inventions, unless serious burden is shown). Therefore, Applicants

U.S. Application No. 10/533,927
Inventors: Gianfranco COLOMBO et al.
Attorney Docket No.: 07040.0223
Reply to Office Action issued December 24, 2008

respectfully request reconsideration and withdrawal of the election of species
requirement, and examination of all of pending claims 60-118 on the merits.

If the Examiner believes that a discussion might advance prosecution of this
application, the Examiner is cordially invited to call Applicants' undersigned attorney at
(404) 653-6559.

If there is any fee due in connection with the filing of this Response, please
charge the fee to our Deposit Account 06-0916.

Respectfully submitted,

PAGE 3/3 * RCVD AT 1/26/2009 4:16:40 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-4/16 * DNIS:2738300 * CSID: * DURATION (mm:ss):05-54

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